



207 Waiver

Title

Legal Description / Ads

Policy or Appeals

Correspondence Between Legal & Staff

Letter of Authorization

When Recorded, Return to:
Tiffany & Bosco, P.A.
c/o Shaine T. Alleman
2525 East Camelback Road
Seventh Floor
Phoenix, AZ 85016-9240

**DECLARATION OF RESTRICTIONS
FOR
THE ARIZONA CONFERENCE CORPORATION OF SEVENTH-DAY ADVENTISTS
SCOTTSDALE CAMPUS**

THIS DECLARATION OF RESTRICTIONS FOR The Arizona Conference Corporation of Seventh-Day Adventists Scottsdale Campus (the “**Declaration**”) is made as of the _____ day of _____, 2019, by The Arizona Conference Corporation of Seventh-Day Adventists, Inc., an Arizona nonprofit corporation (“**Developer**”).

RECITALS

A. Developer is the owner of that real property described on **Exhibit "A"** attached hereto and made a part hereof (the "Developer Property").

B. Developer is currently processing a rezoning application with the City of Scottsdale on Developer Property that consists of rezoning from Single Family Residential (R1-35) zoning and Industrial Park (I-1) zoning district to Planned Airpark Core Development (PCP) with Airpark Mixed Use Residential (AMU-R), Airpark Mixed Use (AMU), Aviation (AV) & Employment (EMP) land use designations of the City of Scottsdale Zoning Ordinance and per Scottsdale’s Greater Airpark Character Area Plan (the “Rezoning Application”). The Rezoning Application number is 14-ZN-2019.

C. Per the Rezoning Application, Developer intends to develop and operate the Developer Property as a religious and educational campus generally in conformance with the site plan attached hereto as **Exhibit "B"** (the "Site Plan"). To effectuate the development, use and operation of the religious and education campus, Developer desires to establish these covenants and agreements for the beneficial use of the Developer Property and to establish certain allowed and restricted uses on the Developer Property, all as set forth hereinafter.

AMENDMENT

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and other valuable consideration, Developer declares as follows:

1. **Uses and Restrictive Covenants**

1.1. Allowed Uses Under the City of Scottsdale Land Use Regulations. The Developer Property shall be used for only those uses allowed within the City of Scottsdale Zoning Ordinance land use regulations for the following use districts (and as described further in the Rezoning Application and on the Site Plan): Planned Airpark Core Development (PCP) with Airpark Mixed Use Residential (AMU-R), Airpark Mixed Use (AMU), Aviation (AV) & Employment (EMP)

1.2. Prohibited Uses. Notwithstanding the foregoing, and even if the uses are allowed within the approved City of Scottsdale land use designations on the Developer Property, the following activities, uses or purposes shall be prohibited on the Developer Property.

1.2.1. Bars - No bar, tavern or cocktail lounge or other establishment chiefly devoted to on-premise consumption of alcoholic beverages shall be permitted within the Developer Property.

1.2.2. Live Entertainment – No use devoted to the performances of persons before an audience at a nonresidential establishment shall be permitted within the Developer Property.

1.2.3. Sports Arena – No sports arenas shall be permitted within the Developer Property.

1.2.4. Theaters -- No theaters of any kind (including, without limitation, motion picture theaters and facilities) shall be permitted within the Developer Property.

2. **Binding Effect and Duration.** This Declaration shall run with and bind the owners of Developer Parcel and shall inure to the benefit of and be enforceable by the owners of Developer Parcel and its respective heirs, executors, legal representatives, successors and assigns.

IN WITNESS WHEREOF, Developer has executed the Declaration as of the date first written above.

The Arizona Conference Corporation of Seventh-Day Adventists, Inc., an Arizona nonprofit corporation

By: XXXXX
Its: Member

STATE OF ARIZONA)
)ss.
COUNTY OF MARICOPA)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by _____, Member of The Arizona Conference Corporation of Seventh-Day Adventists, Inc., an Arizona nonprofit corporation.

Notary Public

My commission expires:

Exhibit A

Arizona Conference Corporation of Seventh-Day Adventists Scottsdale Campus
Legal Description

DRAFT

Exhibit B

Arizona Conference Corporation of Seventh-Day Adventists Scottsdale Campus
Site Plan

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